

Exhibit 1

PRESENT: Hon. Elizabeth A. Garry

STATE OF NEW YORK
SUPREME COURT : COUNTY OF SCHUYLER

The People of the State of New York,

Petitioner,

-against-

ORDER

Index No. 2007-0341
RJI #2007-0134

Shawn Short,
an individual under the supervision of
New York State Department of Parole,

Respondent,
for Commitment Under Article 10
of the Mental Hygiene Law

A prior Order having been executed in this matter dated November 19, 2007, following a probable cause hearing and making various directions relative to further legal proceedings to be conducted, specifically including an evaluation by a psychiatric examiner and a trial to commence on a specified date, and further, directing that Respondent be held in the Tioga County Jail pending further proceedings, and the Court having now received and reviewed the Decision and Order of the United States District Court for the Southern District in MHLS and Shawn Short v. Spitzer, et al. (07 civ. 2935 [GEL]) granting a preliminary injunction insofar as Section 10.06(k) of the Act requires detention pending trial absent a specific, individualized finding of probable cause to believe that a person is sufficiently dangerous to require confinement, and that lesser conditions of supervision will not suffice to protect the public during pendency of the proceedings, and following a conference conducted thereafter with Counsel by

telephone on Wednesday, November 21, 2007, and upon due deliberation, it is now

ORDERED that Respondent shall be released from the custody of the Tioga County Sheriff no later than 10:00 a.m. on November 22, 2007, and, it is further


ORDERED that Respondent shall comply with the following conditions:

- 1) Respondent shall reside upon his release at his mother's residence;
- 2) Respondent shall consume no alcohol or drugs;
- 3) Respondent shall be subject to a curfew in the hours between 7:00 p.m. and 7:00 a.m. daily;
- 4) Respondent shall have no contact with any minor children;
- 5) Respondent shall not remain within five hundred feet of any childcare facility, playground, park, school, or other place where children are gathered;
- 6) Respondent shall report daily by telephone to the Division of Parole, at (607) 721-8523, and shall make arrangements to report in person no later than November 29, 2007; and it is further

ORDERED that upon violation of these conditions Respondent shall be subject to detention and arrest as governed by Article 140 of the Penal Law, and thereafter produced before this Court at the earliest opportunity.

Dated: November 21, 2007
Norwich, New York

ENTER


Hon. Elizabeth A. Garry